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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 JUSTIN MERRIMAN,)
11 Plaintiff) CASE NO.: 15-cv-01715-WHA
12)
13 v.)
14 GOVERNOR JERRY) PLAINTIFF'S REPLY TO
15 BROWN,) DEFENDANT'S RESPONSE
16 WARDEN RON DAVIS,) Date: 06/23/2016
17 OFFICER SMITH,) Time: 08:00 a.m.
18 OFFICER TIERNEY) Dept.: Ctrm. 9, 19th Floor
19 Does 1 to 50,)
20 Defendants)
21 _____)

22 Comes now Plaintiff Justin Merriman by and through his attorney of
23 record replies to Defendant's response to Plaintiff's motion to amend as
24 follows:

25 1. Defendant is a correctional officer at San Quentin State Prison.

26 As such, Defendant has no standing to respond to Plaintiff's motion to add
27 the State of California as a party. That response should come from the
28 California Attorney General's Office. The Attorney General's Office has
been monitoring this case and would have been apprised of the motion. That
office could have made a special appearance to contest the motion but did not.

2. Officer Tierney's response is a demurrer and not a response as

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2 Tierney's response does not address Plaintiff's reliance on Federal Rules
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4 15 and 18 and as such is not responsive to Plaintiff's motion.

5 Plaintiff is simply substituting the State of California for a doe defendant
6 and is entitled to do so under the Federal Rules. (a copy of the amended
7 complaint with the State of California as a named Defendant is attached).

8 3. Plaintiff requires the State of California to be a named.

9 Defendant in order to engage in discovery, especially in order to gain
10 the proper names and personnel records of the Defendant correctional
11 officers.

12 4. For the above stated reasons, Plaintiff respectfully requests
13 the Court to grant Plaintiff's motion to substitute the State of California
14 in the place of a doe defendant.

15 Date: 6-14-16

16 Respectfully Submitted,



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19 John E. Stringer, Attorney for Plaintiff
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